

NEW JERSEY  
CEMETERY BOARD

July 8, 2004

FILED

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY CEMETERY BOARD

IN THE MATTER OF

Administrative Action

BALEVILLE CEMETERY

**FINAL ORDER OF  
DISCIPLINE**

Certificate of Authority  
Number 216

This matter was opened to the New Jersey Cemetery Board following review of information in the Board's files which resulted in the issuance of a Provisional Order of Discipline regarding the Baleville Cemetery's failure to file annual Maintenance and Preservation Fund reports for the period June 1, 1991 to May 30, 1998, or to demonstrate that it had made payments into the Fund for the period. Baleville Cemetery responded to the Provisional Order and has submitted for the Board's consideration all outstanding reports; has evidenced the required payments to the Fund; and has paid a civil monetary penalty in the amount of \$500.00. The Board therefore makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent, Baleville Cemetery, holds Certificate of Authority Number 216, issued by the Cemetery Board on September 18, 1972 pursuant to N.J.S.A. 8A:3-9. Respondent has been a New Jersey Cemetery Company at all times relevant to this matter and is not a municipality.

2. Pursuant to N.J.S.A. 8A: 4-5, (now N.J.S.A. 45:27-13), cemetery companies must make certain deposits into the Cemetery's Maintenance and Preservation Fund based on income generated by sales of lots or graves, and deposits based on resales of lots or graves, number of interments, and charges for foundations installed.

3. Pursuant to N.J.S.A. 8A:4-12, (now N.J.S.A. 45:27-15), each cemetery company that is not a municipality must file an annual report with the Board showing the extent and augmentation of the Maintenance and Preservation Fund for its fiscal year not later than 120 days after the close of its fiscal year.

4. Baleville Cemetery has now filed the required reports and paid a civil monetary penalty in the amount of \$500.00.

#### CONCLUSIONS OF LAW

The failure to file annual reports with the New Jersey Cemetery Board and/or the failure to deposit statutorily required sums into the Maintenance and Preservation Fund provide grounds for discipline pursuant to N.J.S.A. 45:1-21 (h).

ACCORDINGLY, IT IS ON THIS 8TH DAY OF JULY, 2004,

ORDERED that:

1. Having now complied and having already paid a civil monetary penalty in the amount of \$500.00, Baleville Cemetery shall henceforth cease and desist from failing to file its annual Maintenance and Preservation Fund report within 120 days of the close of its fiscal year and from failing to make all statutorily required deposits into the Maintenance and Preservation Fund.

NEW JERSEY STATE CEMETERY BOARD

By: Frank J. DeGeeter  
Frank J. DeGeeter, Chair